

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 23, 2003

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B161282	People v. Lino
B163285	People v. Boatright
B164265	People v. Lawing
B161452	People v. Rodriguez
B164276	Sanders v. Deitch
B159831	People v. Escareno
B161821	People v. Arnal
B163231	People v. Paige
B158880	People v. Alvarez
B169319	Jesus N., et al. v. SCLA
B164945	DCFS v. Carey C.

Argument waived, cause submitted.

B159807 Wright
 v.
 Stainback

Merits:

Glenn Wright waived oral argument for appellant and by Marshall Mintz for appellant. Cause submitted.

DIVISION TWO (Continued)

B164813 People
 v.
 Mejia

Merits:
Argued by Michael Katz, Deputy Attorney General for respondent and by Edward Haggerty for appellant. Cause submitted.

B155574 People
 v.
 Grassini

Merits:
Argued by Thien H. Tran, Deputy Attorney General for respondent and by Jean Matulis for appellant. Cause submitted.

B152751 Red Rock Ranch, et al.
 v.
 Driscoll

Merits:
Argued by C. Terrence Molloy for appellants and by Byron Hollins for respondent. Cause submitted.

B157911 Vandevort
 v.
 McKee, et al.

Merits:
Argued by Lee Vandevort for appellant and by Robert Campbell for respondents. Cause submitted.

B155023 Conservatorship of William Penuela
 v.
 William Penuela

Merits:
Argued by Susan Weiss for respondent and by Roy Penuela for appellant. Cause submitted.

DIVISION TWO (Continued)

B157755 North Valley Coalition
 v.
 City of Los Angeles, et al.

Merits:
Argued by Kelly T. Smith for appellant and by Keith Pritsker for
respondent City of Los Angeles and by Steven Weston for respondent
Browning Ferris Industries of California. Cause submitted.

B166742 Bedrosian
 v.
 Tenet Healthcare Corp.

Merits:
Argued by Richard Hodge for appellant and by Mark Epstein for appellant.
Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy
Clerk.

B161015 People
 v.
 Mazurette

Merits:
Argued by Marc Nolan, Deputy Attorney General for respondent and by
Katharine Greenebaum for appellant. Cause submitted.

B158781 Walker
 v.
 Ala Nest, Inc., et al.

Merits:
Argued by Scott Dinsmore for appellant and by David Pillemer for
respondents. Cause submitted.

DIVISION TWO (Continued)

B162755 Bugbee, et al.
v.
Calvert

Merits:
Argued by Theodore Phlegar for appellants and by Jeffrey Lerman for respondent. Cause submitted.

B159992 Homeowners to Protect Education, et al.
v.
Montebello Unified School Dist., et al.

Merits:
Argued by Lawrence Teeter for appellants and by Jeff Harrison for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B167388 People (Not for Publication)
v.
McCaffe

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B160164 Aronoff Brothers, et al. (Not for Publication)
v.
Sherwood Insurance Services, et al.

The judgment in favor of Botton is affirmed. The judgment in favor of Sherwood is affirmed. Costs on appeal are awarded to Bolton and Sherwood.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B159518 County of Los Angeles, et al. (Certified for Publication)
v.
Southern California Edison Company, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B163307 People (Not for Publication)
v.
Williams

The judgment is modified to strike the prior prison term enhancements and, as so modified, affirmed. Because the abstract of judgment already states the term as modified, it need not be corrected.

Klein, P.J.

We concur: Croskey, J.
Kitching, J.

DIVISION FOUR

B163040 Hernandez
 v.
 S.C.L.A.
 Acheson Industries, et al.

Filed order modifying opinion. (No change in the judgment)

B161885 Chase Dennis Emergency Med. Grp., et al.
 v.
 Aetna U.S. Healthcare, et al.

Filed order denying petition for rehearing.

DIVISION SEVEN

B162900 Slauson Partnership, et al. (Certified for Publication)
 v.
 Ochoa

The judgment is affirmed. Respondent(s) to recover costs.

Munoz, J. (Assigned)

We concur: Johnson, Acting P.J.
 Woods, J.

B164804 People (Not for Publication)
 v.
 Joe B.

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B167912 KB Home, et al. (Certified for Publication)

v.
Superior Court, Los Angeles County
(Consolidated Industries et al.,, r.p.i.)

Let a peremptory writ of mandate issue, commanding respondent court to vacate its orders holding that the economic loss rule bars KB Home from recovering damages for the cost of repairing and replacing the defective Consolidated furnaces on theories of strict liability and negligence and to enter a new an different order permitting KB Home to proceed with those claims. KB Home is to recover costs in this writ proceeding.

Perluss, P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

B168257 Ralphps Grocery Company (Certified for Publication)

v.
Superior Court, Los Angeles County
(Swanson, r.p.i.)

The petition for writ of mandate is denied. Each party is to bear its and his own costs in this proceeding.

Perluss, P.J.

We concur: Woods, J.
Munoz, J. (Assigned)

B161390 Dixon M.D. (Certified for Publication)

v.
Regents of the University of California, et al.

The judgment is reversed and the matter is remanded for trial.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B163258 People (Not for Publication)
v.
Contreras

The judgments for the substantive offenses on counts I, III and V are affirmed. The enhancements imposed pursuant to section 186.22 are set aside. The matter is remanded to the trial court for resentencing.

Munoz, J. (Assigned)

I concur: Perluss, P.J.
I dissent: Johnson, J. (Opinion)

B153875 Hobdy
v.
State of California Department of Insurance

Filed order denying petition for rehearing.